

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 348 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

PATEL KEKABEN CHINUBHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MID PATEL with Shehnaz I.Patel for Petitioner
MS PROMILA SAFAYA for Respondent

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 04/02/97

ORAL JUDGEMENT

Rule. Ms Promila Safaya, learned Standing
Counsel for Central Government waives service of notice
of rule on behalf of the respondent.

At the request of learned Advocates appearing for
the parties, the petition is heard today.

By means of filing this petition, the petitioner has prayed to direct the respondent to accept the application made for issuance of fresh passport indicating date of birth of the petitioner to be September 18, 1976.

The petitioner had applied for passport, which was issued by the respondent on June 10, 1994. Therein the date of birth of the petitioner was mentioned to be September 23, 1976 on the strength of School Leaving Certificate which was produced by the petitioner. The petitioner obtained certificate of birth which is issued by the Sub-Registrar, Birth & Death, Anand Municipal Local Area under the provisions of Registration of Births and Deaths Act, 1969. It indicates that date of birth of the petitioner is September 18, 1976. The petitioner applied to the respondent to issue fresh passport indicating her date of birth to be September 18, 1976. The grievance made by the petitioner in the present petition is that the respondent has refused to entertain the application submitted by the petitioner. Under the circumstances, the petitioner has filed present petition and claimed relief to which relief is made earlier.

It is true that in the School Leaving Certificate date of birth of the petitioner is mentioned to be September 23, 1976. However, the Certificate of Birth issued by the competent authority under the provisions of Registration of Births and Deaths Act, 1969 clearly indicates that the date of birth of the petitioner is September 18, 1972. It is well settled that between School Leaving Certificate and Birth Certificate reliance should be placed on Birth Certificate for the purpose of ascertaining correct date of birth. Therefore, the following direction is given.

The respondent - Regional Transport Officer is directed to act upon the Birth Certificate produced by the petitioner and process the application for issuance of fresh passport according to law. Rule is made absolute accordingly, with no order as to costs. D.S. permitted.
